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STATE DOCUMENTS

ANNUAL REPORT
of the
MONTANA STATE DEPARTMENT OF LABOR AND INDUSTRY
November 30, 1966 to December 31, 1967

Room 418 Sam W. Mitchell Building
Helena, Montana

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STATE OF MONTANA
DEPARTMENT OF LABOR AND INDUSTRY
MONTANA STATE APPRENTICESHIP COUNCIL
HELENA, MONTANA

December 27, 1967

The Honorable Tim Babcock
Governor of the State of Montana
State Capitol Building
Helena, Montana 59601

Dear Governor Babcock:

In compliance with Section 41-1607 Revised Codes of Montana, I have the honor of transmitting to you the Annual Report of the Department of Labor and Industry. This report covers the period from November 30, 1966 to December 31, 1967. This report embodies the work done in the Department of Labor and Industry which comes under my supervision.

The personnel of the Department of Labor and Industry join with me in gratefully acknowledging the support and cooperation extended this Department by you and the members of the 40th Legislative Session in the enactment of the New Wage Payment Law and the addition of a Fieldman to enforce the provisions of the Act. Without such support, the accomplishments hereinafter set forth would not have been possible.

Respectfully submitted,

DEPARTMENT OF LABOR & INDUSTRY

A handwritten signature in dark ink, appearing to read "John Emmons", is written over the typed name.

John Emmons
Commissioner of Labor

JE:jak

STAFF - DEPARTMENT OF LABOR & INDUSTRY

John "Si" Emmons - Commissioner

Tony Softich - Fieldman

Valerie Teakles - Secretary

Budget Per Year

July 1, 1967 to June 30, 1968

\$26,155.00

The Department of Labor and Industry was created by an Act of the Legislature in 1949, submitting a Referendum to the people of Montana for the separation of Labor from the Department of Agriculture. The Legislature then set up a Department of Labor and Industry in 1951.

The Commissioner of Labor & Industry is responsible for the formulation of policies and the general supervision of activities of the Department. This office, through the press, radio, conferences, and other means of dissemination of information keeps employees, workers, and the public informed of the Labor Laws, the general activities of the Department, and the need for legislation to improve conditions of working in industry. The Commissioner is also an ex-officio member of the Montana Industrial Accident Board and the Montana State Apprenticeship Council.

LABOR LAW STUDY AND REVIEW

Nothing seemed more apparent when the Department came into existence than that the protective labor legislation on the Statute Books is in need of study and review. Most of the Labor Laws are dated back fifty years. They are obsolete and any subsequent laws passed since then contributed little, if anything, to the enforcement of the Labor Laws on the Statute Books.

A good example is Section 4 - Article XVIII of the State Constitution that provides for the eight-hour day in all industries, excluding farming and ranching. To enforce the Law as written would bring chaos to people and industry. Seventy per cent of the employers in the state are violating the Law. A Law of this type is ambiguous. Employees demand employers be prosecuted when the employees are informed it is impossible to prosecute the employer without first filing a complaint against the employee who is violating the Law. There is no violation on the part of the employer until the employee works over eight hours. The fact that the employer

tells the employee to work overtime, and the employee refuses, does not mean that the employer has . . . violated the Law.

The only solution to the eight-hour day is to recommend an amendment to Section 4 - Article XVIII of the State Constitution: Eight hours shall constitute a day's work; all hours in excess of eight hours shall be paid for at a rate of time and one half; give the employee the right to refuse overtime work without fear of discharge or reprimand from the employer.

The question has created a number of wild-cat strikes in the Butte area, and will continue to injure the economy of the State until the Legislature decides to correct the eight-hour day and make the law enforceable.

LEGISLATIVE RECOMMENDATIONS

The Montana Department of Labor & Industry, over the past years, has recommended an adequate minimum wage for all wage earners. Despite the repeated failures to pass an adequate minimum wage law, our opinion remains the same. This legislation is badly needed to protect the health and welfare of the workers of Montana. Passage of such a Law would assist the economic progress and would eliminate much of the poverty in our State.

STATE LABOR RELATIONS ACT

A State Labor Relations Act is needed for the protection of the right of employees to organize and bargain collectively.

The provision of the Act should apply to all employees not specifically covered by the Federal Labor Relations Law. The jurisdiction and enforcement of this Law should be placed in the Department of Labor and Industry.

OUT-OF-STATE CONTRACTORS SECURITY BOND FOR WAGES

It becomes necessary for a Law to be enacted to protect the Montana wage earner from out-of-state contractors coming into Montana, employing people, and on completion of the contract, leaving the State without meeting their payroll. The State of Montana should provide a security bond in the amount of double the amount of the contractor's payroll to be posted with the Department of Labor and Industry before a license is issued to out-of-state contractors to perform work in Montana.

Once an out-of-state contractor leaves the State of Montana without meeting his payroll, a resident of Montana has no recourse for the recovery of his wages.

Generally, the wage earner does not have the money to secure the services of an attorney or the amount is so small he could not procure an attorney who would assist him in collecting his wages.

THE NEW WAGE PAYMENT LAW ENACTED BY THE 40TH LEGISLATIVE SESSION

There exists today the employer who lies and cheats or does everything possible to defraud their employees of their wages.

With the enactment of the New Wage Payment Law by the 40th Legislative Session, a great number of employers have decided to pay the wages due their employees when due than to pay the penalty placed on the employers for non-payment of wages.

Upon the filing of a claim with this Department, letters are written to the assignee, hereinafter called claimant, and one is sent to his employer demanding the wages be paid immediately.

Generally, the employer does one of three things: he pays; he does not answer the letter; he sets up some excuse for not paying.

If the employer pays, the claimant is notified, and upon his signing a receipt, he is given his wages. If the letter is not answered by the date requested, the employer is visited and is asked why he has not paid or answered our letter.

If the claim is just, he usually pays it. Should he refuse to pay a just claim, a hearing is called. The Commissioner or Fieldman acts as arbitrator in the hearing and upon hearing both sides of the story, decides what disposition should be made of the case. He conducts an investigation in the matter, makes his decision, and notifies the parties the result of his decision.

Investigations are frequently made in an effort to lay groundwork for a hearing or in an effort to settle the claim without a hearing.

PRIOR TO WAGE PAYMENT LAW EFFECTIVE JULY 1, 1967

Claims from November 1, 1966 through June 30, 1967

8 claims carried over from 1966 report in amount of	\$ 762.71
52 claims from 11/1/66 through 6/30/67	<u>\$8,037.88</u>
TOTAL AMOUNT OF CLAIMS.	\$8,800.59
50 claims collected in amount of	\$6,956.14
10 claims pending for collection	<u>\$1,844.45</u>
	<u>\$8,800.59</u>

76 claims investigated and dismissed for the following reasons:

40 recommended for Civil Action

36 no justification

76

136 claims filed - 23% of all claims collected

WAGE PAYMENT LAW EFFECTIVE JULY 1, 1967

Wage Claims July 1, 1967 to December 31, 1967

140 claims collected in the amount of	\$23,153.21
<u>29</u> claims pending for collecting	<u>\$ 5,726.17</u>
169 claims in the amount of	\$28,879.38

Investigated and dismissed for the following reasons:

16 claims of no justification

16 claims recommended or pending for Civil Action (Wages earned prior to July 1)

2 claims - Employer from out of state

203 claims filed

203 claims filed - 75% of all claims collected

Comments for period of November 1, 1966 to December 31, 1967:

Of 39 claims pending, it appears 75% are collectible.

Of 56 claims recommended for Civil Action, 95% would have been collectible
if earned after July 1, 1967.

30 claims in bankruptcy hearings are not included in the above table.

Number of Age Certificates issued to minors sixteen years of age or older:

Number of boys 1272

Number of girls. 112

Total Issued 1394

Number of Labor Law Booklets issued free 375

Number of accident reports received from the Industrial Accident
Board on employees injured under the age of nineteen years. 1227

1. The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation

$$f(x) = \int_0^x \frac{1}{1+t^2} dt, \quad (1)$$

where x is a real number. It is well known that this function is increasing and concave down on the interval $(-\infty, \infty)$.

2. In the second part, we consider the function $g(x)$ defined by the equation

$$g(x) = \int_0^x \frac{1}{1+t^4} dt, \quad (2)$$

where x is a real number. It is well known that this function is increasing and concave down on the interval $(-\infty, \infty)$.

3. In the third part, we consider the function $h(x)$ defined by the equation

$$h(x) = \int_0^x \frac{1}{1+t^6} dt, \quad (3)$$